

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BILLY STAVES,

Plaintiff,

ORDER

v.

Case No. 24-cv-851-wmc

EAU CLAIRE COUNTY CITY POLICE DEPT.,
AARON SCHIEFELBEIN, and PAUL ASSELIN,

Defendants.

On December 4, 2024, this court entered an order giving plaintiff Billy Staves until January 3, 2025, to submit a \$5.23 initial partial payment of the \$350 filing fee for this case. Now plaintiff has filed a letter indicating that he does not have the means to make the initial partial payment. Dkt. 5.

Based on the documentation that plaintiff has submitted, it appears that plaintiff does not presently have the means to pay the filing fee or the initial partial payment. Accordingly, plaintiff is not required to make an initial partial payment. *See* 28 U.S.C. § 1915(b)(4).

Because plaintiff is an inmate, plaintiff is subject to the Prison Litigation Reform Act, which requires the court to screen the complaint to determine if any portion of the complaint is frivolous, malicious, fails to state a claim on which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. Plaintiff is advised that the full \$350 filing fee for indigent litigants remains his obligation even if this court ultimately determines that the complaint cannot go forward. *See* 28 U.S.C. § 1915(b)(2).

ORDER

IT IS ORDERED that:

1. Plaintiff Billy Staves may proceed without making an initial partial payment of the filing fee. However, plaintiff remains responsible for the entire \$350 filing fee for this case.
2. No further action will be taken in this case until the court has screened the complaint as required by the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2). Once the screening process is complete, the court will issue a separate order.

Entered this 3rd day of January, 2025.

BY THE COURT:

/s/
ANDREW R. WISEMAN
United States Magistrate Judge